

AGNES AND MARIA DE LEON.

MARCH 31, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. AVERY, from the Committee on War Claims, submitted the following

REPORT:

[To accompany H. R. 1808.]

The Committee on War Claims, to whom was referred the bill (H. R. 1808) entitled "A bill for the relief of Agnes and Maria De Leon," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-seventh Congress. A copy of said report is hereto attached and made a part of this report.

Your committee recommend the passage of the bill with the following amendment:

In line 7 strike out "two thousand and fifty-six" and insert in lieu thereof "two hundred and fifty."

[House Report No. 1265, Forty-seventh Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3466) for the relief of Agnes and Maria De Leon, heirs at law of Rebecca L. De Leon deceased, report as follows:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims, No. 42, third session, Forty-fifth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill with the recommendation that it do pass.

The Committee on War Claims, having had the bill granting relief to Agnes and Maria De Leon, heirs of Rebecca L. De Leon, for rent of house by United States troops under consideration, report as follows:

Accounts in the Quartermaster-General's Office show that a house of seven rooms was rented from claimants, or their intestate, at Albuquerque, N. Mex., from August 15, 1856, to September, 1861, at the rate of \$56 per month, and occupied by Assistant Surgeon Norris as quartermaster storerooms and office.

In October, 1861, a house of four rooms was occupied by Assistant Surgeon Bailly for storerooms at \$29 per month, and two rooms as storerooms for medical stores at \$15 per month, until May 2, 1862. It is also shown that a nominal balance was then due for rent.

The report of a board of survey in the same office shows that it was appointed "to assess the damages upon the buildings which were rented and occupied to the 2d of March, 1862, when a portion of these houses were destroyed," which they assessed

at \$250. The said damages, according to said report, were consequent upon the abandonment by the United States troops on the 2d of March, 1862, and their subsequent occupation by the enemy, two rooms of the same building having been destroyed by order of the assistant surgeon in charge of the hospital.

The committee further find that the actual cost of restoring said building to its former condition was \$1,000 and upward; and that by reason of the damages to the house, and the inability of the owners to repair it, there was a loss of two years' or more rent entailed upon the owners. The rent of the rooms at the rate at which they were rented at the time of the burning, for the period of two years, would amount to \$1,056. If, therefore, the Government was required to make good the entire loss—that is, the cost of restoring the property to the condition in which it was when they had possession, and the loss of rent consequent upon the destruction of the property by the Government—the amount would be \$2,056. But the claimants only ask in their bill for the sum of \$1,000.

There is no evidence of the time of duration of the lease of the property. The general rule on the part of the Government is to provide in the lease for its termination at the will of the Government. But, although such may have been one of the provisions of this lease, yet, when the Government destroyed the property leased, thus placing it beyond the power of the tenant to secure another tenant, the Government should, it seems to the committee, make good the rent during the time the premises, by reason of the destruction, remained unoccupied; or, it should make good the amount necessary to restore the property to its former condition, and in either event the amount would reach the sum asked in the bill.

It is true the board of survey places the damages at \$250, but the sworn statement of the claimants places the actual expenditures in repairing the property at \$1,000 and upward. The committee think the sworn statement of actual outlays in repairs as the most reliable basis of calculation for reaching the amount which ought to be paid.

The committee therefore report the bill back to the House and recommend its passage.